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Held at Headquarters, New York, on Friday, 7 October 2005, at 3 p.m.

Chairman: Mr. Butagira ..... (Uganda)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 3.10 p.m.

Agenda item 106: Crime prevention and criminal justice (*continued*) (A/60/123, 131, 157, 164, 172, A/60/403-S/2005/6211 and A/60/405-S/2005/6231)

Agenda item 107: International drug control (*continued*) (A/60/129, 130, 336, A/60/403-S/2005/6211 and A/60/405-S/2005/6231)

1. **Ms. Henouda** (Algeria) said that according to recent data the abuse of illicit drugs and other amphetamine-type stimulants was growing steadily worldwide. Despite major efforts, much remained to be done, as noted in the Secretary-General's report on international cooperation against the world drug problem (A/60/130).

2. Algeria, which was an active participant in the work of the Commission on Narcotic Drugs, remained concerned about the threat posed by drug trafficking. Its territory was used as a transit country, leading to increased drug consumption among its own people. Moreover, it had become clear that drug trafficking was linked to terrorism and other crimes. The situation therefore required more effective international cooperation and the provision of assistance to transit countries and countries that had introduced replacement crops.

3. Algeria continued to support the role of the Commission on Narcotic Drugs as the leading coordination and control body on drugs and urged the United Nations International Drug Control Programme (UNDCP) to do all it could to combat the spread of HIV/AIDS in Africa due to drug use. Domestically, Algeria had set up a national office to fight drugs and drug abuse, introduced legislation on the use of and trafficking in drugs, and adopted a national plan of action against drug abuse.

4. The entry into force of the United Nations Convention against Transnational Organized Crime and its three additional protocols and the adoption of the United Nations Convention against Corruption represented a major victory for the United Nations and a significant step in the international community's efforts to combat crime. Algeria was preparing to incorporate the provisions of the latter Convention into its legislation, and a draft law on preventing and combating corruption would soon be submitted to legislators.

5. Algeria had always believed that the fight against crime and terrorism required a comprehensive and collective approach, and would continue its efforts within the United Nations, as well as in regional contexts. It supported the Bangkok Declaration adopted in April 2005 by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, as well as the Secretary-General's recommendation, contained in document A/60/131, that there was a need to reaffirm the high priority of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime with respect to the enhancement of technical cooperation and the provision of technical advisory services to Member States.

6. **Mr. Farrar** (United States of America) said that over the past year the United Nations and its Member States had justifiably focused on the international threats posed by organized crime and drug trafficking. However, political commitment required corresponding legal mechanisms. In that spirit, Member States were making important progress by ratifying and implementing international legal instruments, and his delegation appreciated the tireless efforts of the United Nations Office on Drugs and Crime (UNODC) in promoting their application.

7. Governments that had signed and ratified the United Nations Convention against Transnational Organized Crime should be committed to sharing their results. One of the main objectives of the Convention was to share the confiscated proceeds of crime, which was one of the most effective strategies for fighting international crime. In that regard, his delegation encouraged Member States to adopt the model bilateral agreement on sharing confiscated proceeds of crime or property. The United Nations Convention against Corruption would be a fundamental part of efforts to tackle the corrupt practices that exacerbated organized crime and hindered development. However, although such instruments were significant elements of a comprehensive global strategy, they were only part of the solution. They must be complemented by technical assistance to States in implementing goals of the Convention.

8. The United States was committed to combating narcotics production and trafficking, both domestically and internationally, and welcomed the very positive efforts of UNODC in supporting international initiatives to reduce the cultivation of coca and opium

poppy in the Andean countries and to confront opium production in Afghanistan.

9. At the domestic level, the United States had recently announced new initiatives to combat methamphetamine use. However, greater international cooperation was needed to control the precursor chemicals. The United States supported the introduction of more thorough controls over the flow of precursor chemicals, and wished to note the effectiveness of the International Narcotics Control Board's Databank on Precursor Chemical Control. The United States encouraged Member States to support similar efforts on both a unilateral and a multilateral basis, and also looked forward to working bilaterally with other nations that produced precursors, and medications containing them, to reduce the diversion of such products into the production of amphetamine-type stimulants.

10. **Mr. Rahman** (Malaysia), speaking on behalf of the States members of the Association of Southeast Asian Nations (ASEAN), recalled that the Vientiane Action Programme adopted by ASEAN leaders in November 2004 gave priority to the establishment of coordination mechanisms to strengthen non-traditional cooperation in addressing security and transnational crimes. It also contained several elements that would be used in drafting an ASEAN convention on counter-terrorism. ASEAN had taken practical steps to enhance counter-terrorism cooperation and had strengthened its financial regulatory and legal frameworks to cut off terrorists from their resource base. Furthermore, it had recently concluded a treaty on mutual legal assistance in criminal matters.

11. ASEAN had consistently supported the leading role of the United Nations in maintaining international peace and security and countering terrorism. Following the adoption of the 1997 ASEAN Declaration against Transnational Crime, it had initiated various mechanisms to address all aspects of transnational crime. In addition to intraregional cooperation, it had instituted extraregional mechanisms and enhanced its cooperation with the international community. It welcomed the success of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok in April 2005, and hoped that Member States would seek to implement the policy directives set forth in the Bangkok Declaration.

12. ASEAN member countries were committed to combating drug abuse in order to achieve the goal of a drug-free ASEAN by 2015. It continued to work with its partners, as well as with UNODC and with other regional organizations and NGOs in order to combat the drug menace. For example, ASEAN and China had initiated the ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD) in October 2000. The updated ACCORD Plan of Action, which would be introduced at the forthcoming ministerial-level Second ACCORD Congress, was expected to focus on specific areas of cooperation among the ACCORD countries.

13. **Mr. Abu Sif** (Libyan Arab Jamahiriya) expressed his delegation's support for the Bangkok Declaration adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, as well as the entry into force of the United Nations Convention against Transnational Organized Crime and its three additional protocols. He welcomed the Secretary-General's report on the African Institute for the Prevention of Crime and the Treatment of Offenders (A/60/123). In view of the impact of illicit trafficking in persons, illicit immigration and organized crime on the sustainable development of African countries, his delegation hoped that the United Nations would provide the Institute with the necessary financial support. Developing countries required technical assistance to implement the various international conventions against drugs and crime. The Libyan Arab Jamahiriya would soon introduce legislation incorporating the provisions of the United Nations Convention against Transnational Organized Crime.

14. As emphasized by the Secretary-General in his report (A/60/130), the problem of drug abuse posed a serious threat to public health and safety and the well-being of humankind, particularly children and young people, and recognized no borders. In developing countries, there was a close link between drug abuse and poverty. The international community should assist such countries in halting the cultivation of those drugs. Illicit drug trafficking was a global phenomenon which required the strengthening of shared responsibility.

15. Although Libya did not produce drugs, it had become a transit region for drug trafficking and distribution. In consequence, drug abuse had been imported into the country, which had until recent years been completely drug free. Since the late 1980s drug addiction had continued to grow and the Government

had introduced programmes to raise awareness of the problem. Libya was keen to sign all relevant conventions and to participate in all mechanisms and at all levels to combat drugs, and called on donor countries and international financial institutions to support developing countries in combating crime and drug trafficking.

16. **Mr. Amorós Núñez** (Cuba), said that, while the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok in April 2005, had explored the root causes of crime, it had failed to demonstrate that globalization, which was subject to the unjust neoliberal doctrines imposed by the main imperialist Powers, had boosted crime to levels that exceeded the ability of States to tackle it. The international community was not winning the fight against crime. It had lacked the capacity to tackle the root causes and failed to allocate the resources needed for a preventive approach to succeed. The major Powers, meanwhile, had eluded their responsibilities, adopting the easy but dangerous role of judge, if not police.

17. The manifestations of transnational organized crime had reached such a magnitude that no country could combat them alone, not even with the most sophisticated military and intelligence-related technologies. According to estimates, the most powerful international criminal organizations were earning $1.5 billion a year, while the illicit traffic in women and girls generated profits of $7 billion a year worldwide. Two to five per cent of global GDP came from money-laundering. The illicit drug trade accounted for $400 billion — or 8 per cent of world trade — while the consumption of such drugs affected nearly 5 per cent of the world's population over the age of 15. Cuba was convinced that those problems could be solved, but only through international cooperation.

18. Much would already have been achieved if the principle of shared responsibility had become a reality. However, some powerful countries continued with their unilateral practices of granting "certificates of good behaviour", which served merely to transfer their guilt or as a pretext for imposing politically motivated coercive measures on developing countries, which interfered with law enforcement, rather than helping tackle international crime. Much more would have been achieved by promoting cooperation in establishing fair, democratic, equitable and solidarity-based national and international systems that prioritized investment in the education and well-being of all, without exclusion or discrimination. Much more progress would have been made against terrorism had the international community renounced the use of terror from a position of power and the threat and use of force under the protection of military superiority and rejected doctrines based on illegal prerogatives such as the supposed "right" to wage "preventive war". War destroyed nations and exacerbated poverty, inequality, injustice, hunger, corruption and terrorism.

19. Powerful countries affected by such ills as drug trafficking, money-laundering, trafficking in women and terrorism did the least to create an atmosphere of genuine international cooperation. For example, in the United States — the country with the highest rate of illicit drug consumption — there were over 16 million consumers above the age of 12, representing a social cost of over $160 billion a year. Every year, 260 tons of cocaine and 13 tons of heroine were consumed, while $36 billion were spent on cocaine, $11 billion on marihuana, $10 billion on heroine and over $5 billion on methamphetamines. The United States also had a law which applied only to Cubans and promoted illegal and unsafe migration. It had also suffered the attacks of 11 September 2001 and yet continued to protect Luis Posada Carriles, the most notorious terrorist in the Western hemisphere.

20. Despite the suffering caused by the embargo, Cuba had made considerable progress on crime prevention, criminal justice and the world drug problem. Cuban legislation prevented and severely penalized money-laundering, trafficking in arms and illicit drugs, and other forms of organized crime. Its institutions were well known for their lack of corruption, good governance, transparency and accountability and represented the true meaning of public service. Cuba continued to improve general education as a cornerstone of crime prevention and had set up an ambitious teaching programme in prisons with a view to the social reintegration of prisoners.

21. Cuba actively participated in multilateral forums and mechanisms on transnational crime and drugs and had concluded bilateral cooperation agreements with dozens of States. It had also repeatedly stated its willingness to cooperate with the United States on combating drug trafficking, terrorism and illicit traffic in persons, but the concrete proposals that it had drawn up to that effect had been rejected by the United States Government, even though the United States stood to

benefit most. Despite the embargo and United States aggressions, Cuba would continue to fulfil its duty in combating such scourges and would make every effort to prevent its territory from being used to carry out criminal actions against the American people or any other people.

22. **Princess Bajrakitiyabha Mahidol** (Thailand), said that there was a need to address the root causes of crime, particularly poverty, human rights abuses and development disparities. Force and legal measures alone would not suffice. Attention should also be given to preventive measures such as the promotion of values, tolerance and understanding. Moreover, Governments should encourage active community participation and work closely with civil society to prevent crime, deal with offenders and reintegrate victims into society. Thailand had introduced proactive criminal diversion and decriminalization measures, relating in particular to community and restorative justice, the modernization of criminal justice and the rehabilitation of offenders.

23. International cooperation in fighting crime also needed to be strengthened, as no country could deal with crime, particularly transnational crime, alone. Greater attention should also be given to the exchange of information, experiences and best practices among States and organizations. The dynamic and substantive exchange of views at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice — hosted by Thailand in April 2005 — demonstrated what the international community could achieve when all parties joined hands. Moreover, its outcome document — the Bangkok Declaration — could serve as a good basis for concerted efforts to improve cooperation and coordination among States, United Nations agencies, intergovernmental organizations and NGOs. In that regard, she invited all States to take account of the policy commitments contained in the Declaration when formulating domestic legislation and policy directives, and to make every effort to implement the principles contained in the Declaration. Her delegation also intended to submit a draft resolution on follow-up to the Congress, and counted on the wide support of Member States.

24. The last prerequisite was full compliance by States with their international commitments. In that regard, Thailand had signed the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. Domestic procedures were also being undertaken to allow for ratification of the United Nations Convention against Corruption. Nevertheless, finding a balance between international commitments and domestic constraints when formulating national crime-prevention measures and strategies could be a tough challenge. To be effective, domestic practices based on international obligations should empower the relevant authorities to prevent, investigate and prosecute not only traditional crimes, but also emerging criminal activities such as cybercrime and economic and financial crimes. Priority should also be given to judicial integrity and international cooperation on the confiscation, recovery and return of assets and the proceeds of crime. The international community stood to greatly benefit from assisting States in meeting their international obligations.

25. Noting that, at the 2005 World Summit, world leaders had resolved to strengthen the capacity of the United Nations Office on Drugs and Crime (UNODC) to provide assistance to Member States upon request, she said that her delegation noted with interest that contributions and pledges to the United Nations Crime Prevention and Criminal Justice Fund from January 2004 to January 2005 had doubled over the same period for the previous year. She thanked donor countries and supported the view that such contributions — mostly earmarked for specific activities — should be geared more towards general-purpose funds in order to support implementation of technical cooperation activities and allow greater flexibility when responding to the growing requests for technical assistance.

26. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela), speaking on behalf of the Andean Community, said that combating the world drug problem and related crimes required the full participation of the international community, in accordance with the principles of shared responsibility, comprehensiveness, balance, multilateralism, international cooperation and respect for national sovereignty. The Andean Community therefore advocated greater international cooperation through the establishment of bilateral and multilateral mechanisms that strengthened the response to such challenges. Consideration of the world drug problem should not be

limited to supply and demand, but must include all stages of the process and related crimes, such as diversion of precursor chemicals, money-laundering and illicit arms trafficking. It was also important for drug-consuming countries to take decisive action so that production could be controlled. A comprehensive and balanced approach based on the principle of shared responsibility was needed. To that end, multilateral organizations should develop strategies for providing technical and financial assistance to the affected countries, particularly developing countries.

27. The world drug problem generated social and political instability and was an additional challenge for development. The report by the International Narcotics Control Board (INCB) demonstrated once again the extent to which trafficking in illicit drugs was linked to organized crime. It was therefore important for the United Nations and the world to recognize "the increasing links between terrorism and drug trafficking", as mentioned in paragraph 69 of the Secretary-General's report on the work of the Organization (A/60/1). By targeting transnational organized crime, the international community would also be targeting the sources of terrorism financing.

28. The Andean Community had adopted a Programme of Action and established counter-narcotics projects and priorities. The Programme sought to improve the national management and coordination capacity of the relevant authorities through, inter alia, the establishment or strengthening of financial-intelligence units, the creation of the Andean Committee on Assistance and Police Cooperation, improved information exchange and cooperation between public prosecutor's offices, the adoption of a legal instrument to prevent the diversion of precursor chemicals, increased decentralization of demand-reduction programmes, and the creation or strengthening of national and Andean monitoring centres for drugs. The Andean Community and the European Union had also established an important mechanism for intraregional cooperation in the fight against drugs.

29. The Andean Community had also adopted the Andean Strategy for Comprehensive and Sustainable Alternative Development, which reaffirmed the principle of shared responsibility and tackled drugs from a comprehensive and sustainable perspective. It converted alternative development into a participatory and effective instrument for human development and the fight against poverty, and enabled campesinos who abandoned illicit crops to find alternative livelihoods, thereby preventing the appearance or reappearance of illicit crops. The Andean Community's members were the only countries in the world to have achieved results in the fight against the world drug problem. Moreover, it was the only region in the world where, according to various UNODC reports, drug cultivation and production had fallen. Cooperation needed to be comprehensive in order to tackle the different stages of the problem.

30. It was important to strengthen alternative-development programmes through national investments and international cooperation. Such programmes, which ranged from education and technical training to community production projects and environmental protection, had a direct impact on individuals and communities, hence the importance of strengthening them and prioritizing them in cooperation strategies to end the world drug problem. In their efforts to resolve the drug problem and related crimes, States could not establish parameters by which to assess the efforts and commitment of others in combating illicit drugs. The Andean Community therefore reiterated its full support for multilateral assessment mechanisms. Lastly, it reaffirmed its commitment to continue combating drugs and called on all consuming countries to continue implementing effective policies to control the demand for illicit drugs.

31. **Mr. Lim** (Singapore) said that trafficking in and abuse of drugs transcended national boundaries, aided by ever-improving transport and communication. The drug trade had all the characteristics of a thriving enterprise, with buoyant demand, steady supplies and no shortage of investment. As the Political Declaration on global drug control adopted at the twentieth special session of the General Assembly had emphasized, individual countries must establish suitable enforcement and legal systems, but also work with other countries to share the responsibility for confronting the phenomenon.

32. Singapore's comprehensive approach, which addressed demand and supply simultaneously, had evolved into a four-pronged strategy of rigorously enforced anti-drug legislation, preventive education, compulsory treatment and rehabilitation and continued aftercare. Specific provisions in domestic anti-drug legislation enabled traffickers to be detained even if witnesses were too intimidated to testify against them.

and also enabled action to be taken against those who consumed drugs abroad. Preventive education was targeted at the general public, particularly schools, while drug-rehabilitation centres tailored their treatment to different categories of drug abusers. Recognizing that former addicts must break the cycle of drug abuse, find jobs and reintegrate into society, the Government also ensured that half-way houses, training and work opportunities were available. Singapore was pleased that, compared to many countries in Asia or Europe, it had a low prevalence of drug abuse, according to the 2005 United Nations World Drug Report.

33. Singapore was a party to the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Although it did not itself produce drug precursors, it had established a precursor-control unit to monitor movement of precursor chemicals, and cooperated with international partners to exchange information and conduct joint investigations and operations, including those coordinated by the International Narcotics Control Board. The evolving drug threat, which involved increasingly popular non-traditional synthetic drugs such as Ecstasy and methamphetamines, made Singapore all the more committed to refining domestic and global anti-drug strategies.

34. **Mr. El Kadiri** (Morocco) said that Morocco was in the process of harmonizing its legislation with the United Nations Convention against Transnational Organized Crime. As a transit country on the trafficking route to Europe, Morocco placed particular emphasis on the supplementary Protocol against the Smuggling of Migrants by Land, Sea and Air, and urged consultation among countries of origin, transit and destination on possible approaches to what had become a global problem.

35. Morocco was in the process of ratifying the United Nations Convention against Corruption. At the end of 2004, jointly with UNODC, it had organized a national seminar on combating drugs, transnational organized crime, corruption and terrorism. With regard to the last of those issues, in compliance with Security Council resolution 1373 (2001), Morocco had signed and ratified most of the conventions on combating terrorism. It continued to campaign for a comprehensive convention on international terrorism to be concluded rapidly. Morocco's counter-terrorism law, adopted in the wake of the terrorist attacks in Casablanca and discussed with non-governmental organizations, defined terrorism as any act aimed at harming public order through destruction, fear or violence, and preserved all the protections of human rights contained in existing legislation. To facilitate coordination and information, and to implement United Nations resolutions, Morocco had set up an inter-ministerial counter-terrorism structure.

36. The absence of mechanisms for mutual legal assistance hindered efforts to prevent terrorism and other forms of transnational organized crime. Morocco, conscious of its international obligations, supported the work of the United Nations Office on Drugs and Crime to assess such cooperation, and had itself concluded mutual legal assistance agreements with a number of Western and Arab countries. To reinforce its criminal-justice system, it had enacted a new criminal code and a new code of criminal procedure. It worked continuously to improve the administration of justice and bolster the rule of law, and had drafted laws to counter money-laundering and corruption, to add to its arsenal of legal instruments to combat drug trafficking, organized crime and terrorism more effectively.

37. **Mr. Shin** (Republic of Korea) said that organized crime, corruption and terrorism were transnational, multidimensional and frequently intertwined. The Republic of Korea supported the leading role of the United Nations in fighting those problems, and called for cooperation and common responsibility at international, regional and national levels. It was working to ratify the United Nations Convention against Transnational Organized Crime and its protocols and the United Nations Convention against Corruption, and was introducing legislation and policies, including an anti-corruption act. Having itself ratified the 12 major conventions and protocols relating to terrorism, the Republic of Korea hoped that they would become universal in the near future.

38. UNODC should work to promote the ratification of those conventions and improve international cooperation in criminal matters, especially extradition and mutual legal assistance. It must also increase operational activities to assist developing countries, countries emerging from conflict and, particularly, least developed countries. Technical assistance helped to fill the legal vacuum in post-conflict situations and encouraged countries to establish a basis for good

governance, the rule of law and protection of human rights. It hoped that the United Nations review of potential comprehensive draft model codes for post-conflict criminal justice (transitional codes) would be successfully completed.

39. Integrated and measurable approaches were needed to combat drug-related threats cutting across borders and regions. On the supply side, the international community must strengthen law enforcement and help find alternatives to drug production through economic and social assistance. To increase pressure on the supply side, demand should be reduced through prevention, treatment, rehabilitation and harm-reduction measures. The Republic of Korea hoped that the United Nations Office on Drugs and Crime and the international community would pay more attention to the trafficking in and abuse of amphetamine-type stimulants and their precursors, and to the proliferation of blood-borne diseases.

40. The Republic of Korea had adopted a national drug-control strategy based on the guidance of the International Narcotics Control Board and the Political Declaration on global drug control adopted at the twentieth special session of the General Assembly. It aimed to reduce drug demand and cut off illegal drug supplies through cooperation at national and international levels. International law enforcement authorities should examine how to strengthen international cooperation in criminal justice, mutual assistance and extradition, in order to deal with new criminal developments including cybercrime and money-laundering, and the United Nations should continue efforts to establish international norms to keep pace with emerging criminal trends.

41. **Mr. Dall'oglio** (Permanent Observer for the International Organization for Migration (IOM)) said that IOM provided ways of conducting dialogue between States and achieving more harmonized approaches to reducing transnational organized crime connected with migration. It also helped Governments to address corruption in areas of governance linked to the management of migration. The report of the Secretary-General on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (A/60/131), had contributed to inter-agency and national planning efforts in that regard, but IOM wished more attention to be paid to smuggling of migrants, as distinct from trafficking in human beings, and particularly to the Protocol against the Smuggling of Migrants by Land, Air and Sea. Smuggling of migrants was widespread, malicious and financially significant enough to threaten normal governance and potentially affect national and international security.

42. Rapid advances in migration management technology could help to combat abuses which benefited smuggling and trafficking networks, but IOM, concerned that access to such technology was uneven, wished countries with fewer resources to receive appropriate technical and financial support: the potential gap in technology created a potential gap in cooperation among States in combating transnational organized crime. In addition, IOM believed that trafficking in persons must be addressed from a human rights perspective, rather than a law enforcement perspective. Law enforcement agencies' efforts to prosecute traffickers must not be at the expense of the safety and well-being of victims, as the best evidence against traffickers remained the testimony of the individuals they had trafficked. By taking a victim-centred approach, law enforcement agencies had the best chance of bringing traffickers to justice and bringing justice to their victims.

The meeting rose at 4.45 p.m.